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TO:	PHONE #:	FAX #:
Commissioner for Patents		571-273-8300

From : Joseph P. Meara  
Email Address : jmeara@foley.com  
Sender's Direct Dial : 608.258.4303  
Date : June 5, 2006  
Client/Matter No : 032026-0579  
User ID No : 2080

MESSAGE:

RE: USSN 09/847,010

Attached please find:

- \* Amendment Transmittal (3 pages)
- \* Amendment Under 35 C.F.R. § 1.111 (8 pages)
- \* Credit Card Payment Form (\$60.00)

Please confirm receipt of this facsimile by return facsimile. Thank you.

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Cover Page 1 of 1

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JUN 05 2006

Atty. Dkt. No. 032026-0579

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Perry A. FREY and Frank J. RUZICKA

Title: METHOD FOR PRODUCING L-BETA-LYSINE


Appl. No.: 09/847,010

Filing Date: 5/1/2001

Examiner: Richard G. Hutson

Art Unit: 1652

Confirmation Number: 5359

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
Joseph P. Meara (Printed Name)	
 (Signature)	
June 5, 2006 (Date of Deposit)	

**AMENDMENT TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

[ X ] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

[ X ] The fee required for additional claims is calculated below:

	Claims				Extra				Additional
	As	Previously			Claims	Rate			
	Amended	Paid For			Present				Claims Fee
Total Claims:	13	-	24	=	0	x	\$50.00	=	\$0.00

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Atty. Dkt. No. 032026-0579

Independent Claims:	4	-	6	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:						+	\$360.00	=	\$0.00
CLAIMS FEE TOTAL									= \$0.00

[ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ X ] Extension for response filed within the first month:	\$120.00	\$120.00
[ ] Extension for response filed within the second month:	\$450.00	\$0.00
[ ] Extension for response filed within the third month:	\$1,020.00	\$0.00
[ ] Extension for response filed within the fourth month:	\$1,590.00	\$0.00
[ ] Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$120.00
[ ] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$120.00
[ X ] Small Entity Fees Apply (subtract ½ of above):		\$60.00
Extension Fees Previously Paid:		\$0.00
TOTAL FEE:		\$60.00

A credit card payment form in the amount of \$60.00 is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350.

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Atty. Dkt. No. 032026-0579

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date June 5, 2006

FOLEY & LARDNER LLP  
Customer Number: 23524  
Telephone: (608) 258-4303  
Facsimile: (608) 258-4258

By Joseph P. Meara

Joseph P. Meara  
Attorney for Applicant  
Registration No. 44,932

JUN 05 2006

Atty. Dkt. No. 032026-0579

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Perry A. FREY and Frank J.  
RUZICKA

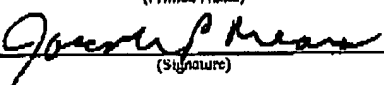
Title: METHOD FOR PRODUCING L-  
 $\beta$ -LYSINE

Appl. No.: 09/847,010

Filing Date: 05/01/2001

Examiner: Richard G. Hutson

Art Unit: 1652

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.
Joseph P. Meara (Printed Name)
 (Signature)
June 5, 2006 (Date of Deposit)

**AMENDMENT UNDER 37 C.F.R. §1.111**

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the office communication dated February 3, 2006, concerning the above-referenced patent application. The three-month shortened statutory period for response to the communication was set to expire on May 3, 2005. Upon acceptance of the accompanying fee under 37 CFR 1.17(a)(1), the period for response is extended to June 3, 2005. As June 3, 2005 is a Saturday, under 37 CFR 1.7, the period for response is extended to Monday, June 5, 2005. Accordingly, Applicants believe that this response is timely filed.

No additional fee is believed to be due for this filing beyond the fee for a one-month extension of time. Should any additional fee be due, the Patent Office is hereby authorized to charge such fees to deposit account No. 50-2350. Should no separate, or an incorrect, petition for an extension of time accompany this communication, applicants hereby petition for such extension under 37 C.F.R. §1.136 to make submission of the papers submitted herewith timely

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Atty. Dkt. No. 032026-0579

and authorize payment of any such extensions fees to Deposit Account No. 50-2350. For the purpose of charging said deposit account, a duplicate of pages 1, 2 and the signature page of this response is submitted herewith.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this document.

**Remarks/Arguments** begin on page 6 of this document.

Please amend the application as follows: